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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/980,247	11/30/2001	Cato Hals	2001-1755A	3056

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EXAMINER

LUM, LEE S

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 06/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/980,247	HALS, CATO	
	Examiner	Art Unit	
	Ms. Lee S. Lum	3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-35 is/are pending in the application.
- 4a) Of the above claim(s) 28-35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>3</u> . | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

1. Applicant's election of Claims 18-27 on 4/9/03 is acknowledged. Because Applicant did not specify the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). Applicant must confirm the remaining Claims are cancelled.

2. The drawings are objected to because:

- a. In all drawings, the top and bottom text (notations for PCT application) should be deleted.
- b. Fig 3 should include identification of the cogwheels 11/14, and chain, for easier comprehension. Also, in the figure, element 23 - "rear stop" – appears to be misidentified, and the lead line should not have an arrowhead. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application.

The objection to the drawings will not be held in abeyance.

3. The disclosure is objected to because of the following informalities:

- a. In Claims 16 and 26, line 2, "a" in "a suspension assembly" should be "the". In Claim 16, third-to-last line, "the rear wheel (4) shaft" is unclear because this "shaft" should have its separate element number rather than using that of the rear wheel.
- b. In Claim 17, the recitation, "the rear wheel drive detail (14), which detail is a cogwheel", is unclear due to idiomatic language. Amendment is required.
- c. the following elements lack antecedent basis:
 - in Claim 18, line 4 – steering tube, second-to-last line - rear end,
 - in Claim 19, third-to-last line – rear wheel shaft,
 - in Claim 20 – rear wheel drive detail,

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in Claim 21, line 4 – main chain, pinion, cardan,
in Claim 23 – linear direction,
in Claim 24 – shaft cogwheels,
in Claim 26 – insides.

d. All Claims should be reviewed towards consistency in element names. For example, in Claim 18, “rear chainstays” was established, but in Claim 19, “chainstays” is used. In Claim 19, “rear fastening piece” is established in line 2, but in line 9, “fastening piece” is used, and in line 4 “rear part for wheelholding” is established, but in line 10, “rear wheelholding part” is used. Because there are many elements in the invention, and names appended with element numbers, consistency would aid comprehension.
Amendment is required.

e. In Claims 19 and 27, “in respective bearings” should be “on respective bearings”.

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 18-27 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Beginning with p12, the spec is difficult reading due to idiomatic language, and inconsistency re element names. For example, in the first paragraph, “i.e.” and “e.g.” are indefinite. In the second paragraph, “main frame 1 integrated chainstays 15 and constitutes a strengthening of the chain fork 15” (note two elements with the same number “15”), and “for mounting of gear” are issues of clarity. An especially crucial issue comprises the “bearing bolts 19-22”, which are also called “bearing pins”, in this, and subsequent, paragraphs, in contrast to “bearings” in Claim 19, and to “rear fastening piece bearings” in Claim 20.

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It is highly recommended that the spec be amended at least towards consistency in element names, and to correspond to those in the Claims.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 18-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In Claim 18, "type" in "parallelogram-type suspension" is indefinite.

In Claims 18, 19 and 26, "e.g." is indefinite.

The following elements have more than one label, or is unclear:

In Claim 18 – suspension assembly, Claim 19 – suspension mechanism,

In Claim 19 – bearings, Claim 20 - rear fastening piece bearings,

In Claim 20 – freewheel and cogwheels,

In Claim 21 - bicycle freewheel,

In Claim 27 - rear fastening piece.

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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As best understood, **Claim 18** is rejected under 35 U.S.C. 102(e) as being anticipated by Lawwill et al 6076845.

Lawwill discloses a frame 24 for a two-wheeled vehicle 20 comprising
Movable and replaceable front fork 30,
Rear chainstays 78,
Saddle tube 36,
Crank housing (unidentified),
Lower tube 40 from the crank housing to the steering tube 34,
Characterized in that the chainstays are equipped with, at a rear end, with a
parallelogram suspension assembly 22 with adjustable spring stiffness.

7. As best understood, **Claims 19-27** would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112 set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Prior art does not disclose a two-wheeled vehicle comprising, *inter alia*, a suspension assembly in the form of a parallelogram including

A movable midsection with at least two parallel bars which slope backwards and downwards, each bar journalled to respective bearings, and,
A spring pointing downwards.

8. The prior art made of record, and not relied upon, is pertinent to the Applicant's disclosure, in addition to the art listed on the IDS filed 11/30/01: Storck 6293574, Kramer-Massow 6244610, Leitner 5899480, Wilcox et al 5685553, Klassen et al 5628524, Hwang 5498013, Castellano 5474318, Buell et al 5205572, Shultz 4997197.

9. Communication with the Examiner and USPTO

Any inquiry concerning this communication should be directed to Ms. Lum at (703) 305-0232, 9 am-6 pm, M-F. Our fax numbers are (703) 872-9326, 872-9327 for after-final communications, and 308-2571 for faxes with prior notice given to the examiner. Any inquiry of a general nature, or relating to the status of this application/proceeding should be directed to Customer Assistance at (703) 306-5771.



LESLEY D. MORRIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

Ms. Lee S. Lum
Examiner
6/10/03

